

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

Donna Roy Truglio

139 Brentwood Road

Newington, CT 06111

CT LPN License No. 015720

CASE PETITION NO. 901016-11-030

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated October 29, 1990.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated October 30, 1990. The hearing took place on November 29, 1990 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Donna Roy Truglio, hereinafter referred to as Respondent, was issued Connecticut License Practical Nurse license number 015720 on December 5, 1975.
2. That on or about July 15, 1987 the Respondent's license was suspended for three (3) years and she was further placed on probation for five (5) years by the Board of Examiners for Nursing.
3. That on or about July 15, 1990, the Respondent's LPN License No. 015720 was reinstated.
4. On October 30, 1990, the Board of Examiners summarily suspended the Respondent's LPN License No. 015720, pursuant to Connecticut General Statutes Section 4-182(c) and 19a-17.
5. On November 2, 1990, the Respondent was served by Sheriff, the original Motion, Statement of Charges, Affidavit, Order and Notice of hearing in this case, Petition No. 901016-11-030.
6. The Respondent was present at the hearing on November 29, 1990, but was not represented by counsel.

7. The terms of the Memorandum of Decision dated June 25, 1987 required the Respondent to submit or cause to be submitted, monthly random negative drug screens for the period of probation.
8. The Respondent submitted only four (4) monthly random negative drug screens during the period of her probation.
9. The Respondent, during the period of probation, violated the terms of the Memorandum of Decision dated June 25, 1987 by not submitting or causing to be submitted monthly random negative drug screen reports.
10. That on or about April 30, 1990 and times subsequent thereto the Respondent was employed at the Office of John Mullaney, M.D., 78 Beaver Road, Wethersfield, Connecticut, as a medical assistant.
11. The Respondent, during the period of probation and while employed by John Mullaney, M.D., specifically May, 1990 through September, 1990, obtained the controlled substance Vicodin by telephoning pharmacies and ordering unauthorized prescriptions of Vicodin for herself, utilizing Dr. Mullaney's DEA number without his knowledge or consent.

12. The Respondent, during the period of probation and while employed by John Mullaney, M.D., specifically May, 1990 through September, 1990, obtained the prescription legend drug Esgic by telephoning pharmacies and ordering prescriptions of Esgic for herself, utilizing Dr. Mullaney's DEA number without his knowledge or consent.
13. On November 5, 1990, the Respondent was convicted in the State of Connecticut Superior Court on two counts of illegally obtaining a controlled substance by fraud/deceit.
14. The Respondent, during the period of probation, specifically May, 1990 through September, 1990, abused or utilized to excess one or both of the medications, Vicodin and Esgic.

DISCUSSION AND CONCLUSIONS

The FIRST COUNT, SUBSECTION 3a, alleges that during the period of probation the Respondent violated the terms of the Memorandum of Decision dated June 25, 1987 by not submitting or causing to be submitted monthly random negative drug screen reports. The Respondent admits this charge. (November 29, 1990 Hearing Transcript p. 6)

This conduct is prohibited by the General Statutes of Connecticut Section 20-99(b), as "...conduct which fails to conform to the accepted standards of the nursing profession...."

The Board concludes that the Respondent has violated the General Statutes of Connecticut Section 20-99(b), by conduct specified in the First Count, Subsection 3a.

The FIRST COUNT, SUBSECTION 3b, alleges that the Respondent obtained the controlled substance Vicodin by fraud, misrepresentation, deceit or subterfuge. Respondent admits this charge. (November 29, 1990 Hearing Transcript p. 6)

Illegal conduct is prohibited "...in carrying out the usual nursing functions...", Section 20-99(b)(2), and a nurse cannot utilize "...fraud or material deception in the course of professional services or activities" Section 20-99(b)(6). There is no evidence in the record to indicate that the Respondent was working as a licensed practical nurse when she illegally obtained the controlled substance Vicodin.

The Board finds that the Respondent did not violate Section 20-99(b)(2) and (6), by conduct specified in the First Count, Subsection 3b.

The FIRST COUNT, SUBSECTION 3c, alleges that the Respondent obtained the prescription legend drug Esgic by fraud, misrepresentation, deceit or subterfuge. Respondent admits this charge. (November 29, 1990 Hearing Transcript p. 6)

Illegal conduct is prohibited "...in carrying out the usual nursing functions...", Section 20-99(b)(2), and a nurse cannot utilize "...fraud or material deception in the course of professional services or activities" Section 20-99(b)(6). There is no evidence in the record to indicate that the Respondent was working as a licensed practical nurse when she illegally obtained the legend drug Esgic.

The Board finds that the Respondent did not violate Section 20-99(b)(2) and (6), by conduct specified in the First Count, Subsection 3c.

The FIRST COUNT, SUBSECTION 3d alleges that the Respondent abused or utilized to excess one or more of said medications. Respondent admits this charge. (November 29, 1990 Transcript of Hearing p. 6)

This conduct is prohibited by the General Statutes of Connecticut Section 20-99(b) which prohibits "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals."

The Board concludes that the Respondent has violated the General Statutes of Connecticut Section 20-99(b)(5), by conduct specified in the First Count, Subsection 3d.

ORDER

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that for Subsections 3a and 3d of the First Count:

1. The license of the Respondent be revoked.
2. The date of this period of revocation shall commence on May 1, 1991.

The Respondent, Donna Roy Truglio, is hereby directed to surrender her license and current registration to the Board of Examiners for Nursing, 150 Washington Street, Hartford, Connecticut, 06106, on or before May 1, 1991.

The Board of Examiners for Nursing hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 20th day of March, 1991.

BOARD OF EXAMINERS FOR NURSING

By Bette Jane M. Murphy

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